

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 3:22CV109-GHD-RP**

**BAILEY’S TRUCKING LLC, et al.**

**DEFENDANTS**

**ORDER STRIKING THIRD PARTY COMPLAINT**

Defendants Xavier Bailey and Bailey’s Trucking LLC filed a Third Party Complaint against Blue Ridge Bank, National Association, Nick Hook, and Blue Ridge Corporation on December 20, 2022. ECF #28. The court finds that the Third Party Complaint should be stricken from the record for two reasons: (1) Defendants failed to obtain the court’s leave to file a third-party complaint as required; and (2) the deadline for moving for such leave passed on December 17, 2022.

Federal Rule of Civil Procedure 14(a)(1) dictates that a defendant “must, by motion, obtain the court’s leave if it files the third-party complaint more than 14 days after serving its original answer.” Xavier Bailey filed his Answer on August 6, 2022 and Bailey’s Trucking LLC filed its Answer on September 19, 2022. ECF #9 and ECF #21. Each defendant was required to obtain leave to file a third-party complaint more than 14 days after serving its original answer and did not do so. Additionally, the court has granted Defendants multiple extensions of time to file motions to amend a pleading or join parties. Most recently, the court extended that deadline until December 17, 2022 and warned that no further extensions of the deadline would be granted. ECF #27. Nonetheless, Defendants filed their third-party complaint after the deadline and without first obtaining the court’s leave.

For these reasons, the Third Party Complaint docketed at ECF #28 is STRICKEN from

the record in this case. The Clerk is directed to remove all third-party plaintiffs and third-party defendants from the docket and style of this case.

SO ORDERED, this, the 4<sup>th</sup> day of January, 2023.

/s/ Roy Percy  
UNITED STATES MAGISTRATE JUDGE